

Members of the City of Brookhaven Zoning Board of Appeals
4362 Peachtree Road
Brookhaven, GA 30319



October 30, 2016

RE: 2900 Surrey Lane Set Back Variance Application

Dear Members of the Board:

As the property owners of the above mentioned property, this letter is submitted along with the Variance Applications on the agenda for the Zoning Board of Appeals hearing on December 21, 2016.

The property is .44 acres in the Ashford Park/Ashford Village subdivision. We purchased the property on December 21, 2012 upon completion of a renovation of the primary dwelling structure. We would now like to obtain a demolition permit in order to enhance the existing structure to be structurally sound and a usable accessory structure for storage and outdoor living space. The current structure is unable to be renovated due to age and deterioration. In order to obtain the demolition permit and construction, we must first obtain the minimum necessary variances to the City rear set back buffer of 10'. The slab for the existing structure currently sits at 6.1'.

The lot to the rear of the property that would be impacted by this variance approval has been deemed non buildable area due to wrested vegetation and natural topography. The requested enhancements to the current structure will not impede the current or future owner's ability to utilize the lot. We have also obtained a written agreement from the property owners with their approval for the structure to remain as situated relative to their property line.

We meet all of the criteria required to obtain this variance being applied for:

1. As the current owners, we did not create the reason for the exception as the structure was present upon purchase. The extreme topography surrounding the structure was not created by current owner and could be impacted if the structure is required to be moved to the required set back.
2. We are not requesting to increase the impervious surface area, but utilizing the current slab as a foundation for accessory structure enhancements. All construction work to be done will have limited disturbance to the revised set back area as all access will be from the front of the accessory structure and will not encroach on the required set back area.
3. The request will not be injurious or materially detrimental to the area based on the demolition and required construction with proper erosion control measures as required by the City will be complied with and therefore will provide proper protection to surrounding property. The current structure could be deemed a hazard based on its

present structural stability and that it is accessible to area wildlife and unable to be completely secured to limit public access.

4. The literal interpretation and strict application of the requirement would cause an undue and unnecessary hardship due to the fact that if it were enforced, the complete demolition of the current structure and slab would be considered more injurious or materially detrimental to the surrounding property. The literal interpretation states the rear set back must be 10' from the property line, but a structure currently sits on the property at 6.1'.
5. The requested variance would be consistent with the spirit and purpose of the Chapter and the City of Brookhaven Comprehensive Plan text due to the fact that it is not the granting of a special privilege but instead it is to allow the property owner the same use of our property as the other propertied in the area.

Thank you for your time and consideration in this matter and we look forward to being able to answer any questions you may have regarding this application.

Sincerely,



Clinton W. Smith
Ashley M. Smith



Attachments:
Letter of agreement from neighbors
Site photographs
Land Survey
Application

